

FILED

JAN 26 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

GILBERT LAVON SWAGGER, JR.,

Plaintiff,

v.

MACK TRUCKS, INC.,

Defendant.

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1:20-CV-1206-RP

VERDICT FORM

QUESTION NO. 1

Was there a design defect in the CXU613 at the time it left the possession of Mack Trucks, Inc. that was a producing cause of the injury in question?

A “**design defect**” is a condition of the product that renders it unreasonably dangerous as designed, taking into consideration the utility of the product and the risk involved in its use. For a design defect to exist there must have been a safer alternative design.

“**Safer alternative design**” means a product design other than the one actually used that in reasonable probability—

1. would have prevented or significantly reduced the risk of the injury in question without substantially impairing the product’s utility and
2. was economically and technologically feasible at the time the product left the control of Mack by the application of existing or reasonably achievable scientific knowledge.

“**Producing cause**” means a cause that was a substantial factor in bringing about the injury in question, and without which the injury would not have occurred. There may be more than one producing cause.

Answer “Yes” or “No”:

Answer: No

If your answer to Question 1 is "yes," proceed to Question 2.

If your answer to Question 1 is "no," do not answer Question 2 or Question 3.

QUESTION NO. 2

Assign percentages of responsibility only to those you found caused or contributed to cause the injury. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to a person or product is not necessarily measured by the number of acts, omissions, or product defects found. The percentage attributable to any one need not be the same percentage attributed to that one in answering another question:

For each person or product you found caused or contributed to cause the injury of Swagger, find the percentage of responsibility attributable to each:

1. Gilber Lavon Swagger, Jr.	_____
2. Mack Trucks, Inc.	_____
Total	_____100_____%

QUESTION NO. 3

What sum of money, if paid now in cash, would fairly and reasonably compensate Swagger for his injury, if any, that resulted from the injury in question?

1. Physical pain and mental anguish sustained in the past.

Answer: _____

2. Physical pain and mental anguish that, in reasonable probability, Swagger will sustain in the future.

Answer: _____

3. Physical impairment sustained in the past.

Answer: _____

4. Physical impairment that, in reasonable probability, Swagger will sustain in the future.

Answer: _____

SIGNED this 26 day of January, 2023.

ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002